



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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GRANTED IN PART: January 17, 2008

CBCA 456

BIRD CONSTRUCTION (USA), INC.,

Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Respondent.

Michael D. Strong of Lathrop & Gage L.C., Kansas City, MO, counsel for Appellant.

Robert M. Notigan, Office of General Counsel, General Services Administration, Washington, DC, counsel for Respondent.

Before Board Judges **PARKER, GILMORE, AND BORWICK.**

**GILMORE**, Board Judge.

On or about May 31, 2002, Bird Construction (USA), Inc., (Bird) was awarded a contract by the General Services Administration (GSA) in the amount of \$12,625,000 to provide general contracting services for the United States border station in Sault Sainte Marie, Michigan. During the course of the project, Bird submitted proposed change orders (PCOs) requesting compensation and time extensions because of various changes to the project's design and scope. The PCOs included monetary claims in the amount of \$864,927.75. On February 27, 2006, the contracting officer issued a final decision approving some of the PCOs and rejecting others. Bird then filed this appeal asserting that GSA owes it the entire amount claimed of \$864,927.75.

Bird and the GSA have now filed a joint motion for a stipulated judgment. The parties request that judgment in the amount of \$525,000, inclusive of all interest and fees, be entered in favor of appellant, Bird. The parties further certify that they shall not seek review or reconsideration of the judgment. With respect to the decision, the parties waive their rights to reconsideration, to relief from judgment, and to appeal the decision.

The appeal is **GRANTED IN PART**. The General Services Administration shall pay to Bird Construction (USA), Inc., the sum of \$525,000. Rule 25(b). This sum shall be paid from the permanent indefinite judgment fund. 31 U.S.C. § 1304 (2000).

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BERYL S. GILMORE  
Board Judge

We concur:

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ROBERT W. PARKER  
Board Judge

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ANTHONY S. BORWICK  
Board Judge